

NONSTERILE SURGICAL DRESSINGS

652. Misbranding of Emergency First Aid Cabinet No. 20 and refills. U. S. v. 94 Kits and 83 Refills. Default decree of forfeiture and destruction. (F. D. C. No. 5849. Sample No. 58056-E.)

On September 30, 1941, the United States attorney for the Western District of Wisconsin filed a libel against the above-named product at Eau Claire, Wis., alleging that the article had been shipped on or about August 16, 1940, and March 31, 1941, by the American First Aid Co. from Brooklyn, N. Y.; and charging that it was misbranded.

Examination showed that the kits and refills contained, among other things, absorbent cotton, gauze pads, adhesive tape, a tube of burn ointment, and a bottle each of boric acid, mercurochrome, and aromatic spirits of ammonia. The burn ointment was not antiseptic as claimed on the label, and the boric acid was a solution of approximately 1.3 percent concentration.

The kits and refills were alleged to be misbranded: (1) In that the carton containing the absorbent cotton bore the following statement, "Sterilized and Surgically Clean Highest Quality," whereas the absorbent cotton was contaminated with aerobic and anaerobic micro-organisms. (2) In that the carton containing burn ointment bore the statement "Antiseptic," whereas the burn ointment was not antiseptic. (3) In that the label of the boric acid bore the following statement, "Antiseptic * * * Eye Wash (4% aqueous solution)," whereas the boric acid was not a 4 percent solution but was a solution of approximately 1.3 percent concentration, and it was not antiseptic. (4) In that the outside container did not bear a statement of the common or usual names of the active ingredients in the burn ointment, boric acid, and the mercurochrome. (5) In that the carton and label of the burn ointment did not contain the common or usual names of the active ingredients. (6) In that the retail container did not bear an accurate statement of the quantity of the contents. (7) In that the labels for the absorbent cotton, gauze pads, wood applicators, and the carton for the burn ointment did not bear the name and address of the manufacturer, packer, or distributor.

On October 29, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

653. Misbranding of first aid kits and gauze bandage. U. S. v. 138 First Aid Kits and 100 Boxes and 12 Gross Packages of Gauze Bandage. Default decrees of condemnation and destruction. (F. D. C. Nos. 3815, 6018, 6045. Sample Nos. 24588-E, 51597-E, 51598-E.)

The gauze bandage in all of these shipments was not sterile, and the metal containers of the first aid kits failed to bear a list of the various items in the kit and the quantity of each.

On February 13 and October 14 and 20, 1941, the United States attorneys for the Eastern District of Pennsylvania and the District of Massachusetts filed libels against 138 first aid kits at Philadelphia, Pa., and 100 boxes and 12 gross packages of gauze bandage at Boston, Mass., alleging that the articles had been shipped on or about January 15 and September 17, 1941, by American White Cross Laboratories from New Rochelle, N. Y.; and charging that it was misbranded. The articles were labeled in part: "White Cross All Purpose First Aid Kit"; "Gauze Bandage 1 in. 10 yds Hospital Bandage"; and "Sanitized Clinical Gauze Bandage."

The first aid kits were alleged to be misbranded (1) in that statements on the envelope containing the bandage strips, "Ideal for bruises, cuts and Blisters" and "Emergency Bandage," were false and misleading as applied to an article which was not sterile and therefore was not ideal for use on bruises, cuts and blisters or for emergency bandage purposes; (2) in that the statements metal container) "All purpose First Aid Kit" and "Be Prepared" and the designs of a surgeon and nurse were false and misleading as applied to an article which contained non-sterile bandage strips; and (3) in that the metal container of the retail package failed to bear on its label a statement of the quantity of contents, since it did not list the various items in the kit and the quantity of each contained in the package.

A portion of the gauze bandage was alleged to be misbranded in that the following statements on the carton, "Self Sterilizing Sanitized * * * Clinical * * * Actively Antiseptic This Gauze Bandage Has Been Protected With The Process Sanitized * * * It Is Actively Antiseptic and Self Sterilizing in its effect," were false and misleading as applied to an article that was not

self sterilizing nor antiseptic, but was contaminated with viable micro-organisms. The remainder was alleged to be misbranded in that the following statements and designs appearing on the carton, "Prepared under the most sanitary and scientific conditions * * * Hospital Bandage [pictures of doctor and nurse]," which implied that it was sterile, were false and misleading as applied to an article that was contaminated with viable micro-organisms.

On September 29, 1941, and January 19, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

654. Adulteration and misbranding of gauze bandages. U. S. v. 500 Dozen Gauze Bandages (and 1 other seizure of gauze bandages). Default decrees of condemnation and destruction. (F. D. C. Nos. 4371, 4868. Sample Nos. 22309-E, 50831-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms. It was packaged in ordinary type carton without protective wrapping such as would be necessary to prevent contamination with bacteria. The carton was one-third larger than was necessary to contain the bandages.

On April 16 and June 4, 1941, the United States attorneys for the Northern District of California and the District of Maryland filed libels against 500 dozen gauze bandages at San Francisco, Calif., and 10 cartons each containing 1 dozen packages of gauze bandages at Baltimore, Md. Subsequently the libel filed in Northern California was amended. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 28, 1940, to on or about April 14, 1941, by the Forest City Rubber Co. from Cleveland, Ohio; and charged that it was adulterated and misbranded.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess, since the statement "Sentinel Gauze Bandage" and the design of a soldier on the carton carried the implication, in the absence of a specific disclaimer on the carton, that the article was sterile and was suitable for use upon open cuts, wounds, etc.; whereas it was not sterile, and was not suitable for such use.

It was alleged to be misbranded in that the statement "Sentinel Gauze Bandage" and the design of a soldier were false and misleading as applied to a bandage which was not sterile, in the absence of a specific statement of the material fact that the article was not sterile and was not suitable for use upon broken skin. It was alleged to be misbranded further in that the difficultly legible statement on the carton "This product was thoroughly sterilized during manufacture and cleanly packaged, but continued sterility can not be guaranteed" was misleading since it created the impression that reasonable precautions were taken in the preparation and packaging of the article, to assure its continued sterility; whereas such precautions were not taken.

It was alleged to be misbranded further in that its package was so filled as to be misleading in that the retail carton was approximately one-third larger than necessary to contain the bandage.

On July 9 and August 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

PROPHYLACTICS

655. Adulteration and misbranding of prophylactics. U. S. v. 5½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 5197. Sample No. 47479-E.)

This product was defective because it contained holes.

On July 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 5½ gross of prophylactics at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by the International Distributors from Memphis, Tenn.; and charging that it was adulterated and misbranded. It was contained in unlabeled packages.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that it did not bear a label containing the name and address of the manufacturer, packer, or distributor, nor did it bear a label containing an accurate statement of the quantity of the contents.

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.